

EXHIBIT B

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23 BEAUMONT RV, INC.

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 * * *

16 BEAUMONT RV, INC.,)
17 a California Corporation,)
18 Plaintiff,)
19 v.)
20 CARBON EMERY RV, INC., a Utah)
21 Corporation.)
22 Defendant.)
23 _____)

Case No. 1:22-CV-00073-AWI-HBK
**DECLARATION OF JAMES TUCK IN
SUPPORT OF PLAINTIFF BEAUMONT
RV, INC.'S OPPOSITION TO
DEFENDANT CARBON EMERY RV,
INC.'S MOTION TO DISMISS THE
COMPLAINT**

Complaint Filed: January 17, 2022

24 I, James Tuck, declare:

25 1. I am one of the principals of Plaintiff BEAUMONT RV, INC. ("Beaumont").

26
27 The following facts are within my personal knowledge and, if called as a witness, I can testify
28 competently to each of them.

1 2. Beaumont operates several RV dealerships in California and Texas, including a
2 dealership doing business under the service marks EPIC RV and EPIC RV LIQUIDATORS in
3 Madera, California. For many years, I have been and am personally involved in Beaumont's
4 purchase of recreational vehicles and trailers from our manufacturers, including the
5 manufacturer, Forest River.

6 3. Forest River makes great trailers, and it is one of the manufacturers we sell the
7 most. Forest River trailers are in high demand throughout the United States. For the Sandstorm
8 line of Forest River trailers, Forest River only has California plants. One of the plants is located
9 in Hemet, California and the other is located in Rialto, California. If an authorized dealership,
10 like ours for instance, purchases Sandstorm Forest River trailers, the trailers will come directly to
11 us from either one of these two plants – in California. There is no other way to buy these trailers
12 new through Forest River.

13 4. After Forest River representatives, located in California, told me that Defendant
14 Carbon Emery RV, Inc. ("Defendant") buys their California trailers directly from Forest River, I
15 reviewed Defendant's website. I first noticed that Defendant was selling the Sandstorm Line of
16 Forest River trailers in the summer of 2021. Upon further review of Defendant's website,
17 epicrv.com, I confirmed that Defendant offers for sale and advertises the California Forest River
18 trailers for sale while improperly making use of our trade name, Epic RV, to do it. (Attached as
19 Exhibit A is a true and correct copy of the printout from Defendant's webpage
20 <https://www.epicrv.com/inventory/v1/Current/Forest-River/Trailer> taken on April 8, 2022.)

21 5. For the Sandstorm line of Forest River trailers that Defendant comes to California
22 to obtain and sell, unless you come to California or have the trailers transported to you from
23 California, you are unable to resell new Sandstorm Forest River Trailers.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct; that all statements made herein of my own knowledge are true and
3 that all statements made on information and belief are believed to be true; and that this
4 declaration was executed this 8th day of April, 2022, at Fresno, California.
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7 /s/ James Tuck

James Tuck

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CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2022, the foregoing was filed using CM/ECF, which automatically sent a notification of the filing to all counsel of record.

By /s/ William K. Nelson
William K. Nelson
Attorneys for Plaintiff,
BEAUMONT RV, INC.

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EXHIBIT A

